

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 494

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO TRANSPORTATION; AMENDING SECTION 40-701, IDAHO CODE, TO PROVIDE THAT CERTAIN MONEYS SHALL BE CREDITED TO THE HIGHWAY DISTRIBUTION ACCOUNT AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 63-3638, IDAHO CODE, TO PROVIDE FOR DISTRIBUTION OF MONEYS TO THE GENERAL FUND AND TO PROVIDE FOR DISTRIBUTION OF MONEYS TO THE HIGHWAY DISTRIBUTION ACCOUNT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 40-701, Idaho Code, be, and the same is hereby amended to read as follows:

40-701. HIGHWAY DISTRIBUTION ACCOUNT -- APPORTIONMENT. (1) There is established in the state treasury an account known as the "Highway Distribution Account," to which shall be credited:

(a) Moneys as provided by sections 63-2412(1)(f)4. and 63-2418(4), Idaho Code;

(b) All moneys collected by the department, their agents and vendors, and county assessors and sheriffs, under the provisions of title 49, Idaho Code, except as otherwise specifically provided for; and

(c) One-sixth (1/6) of any moneys remaining over and above those necessary to meet and reserve for payments under section 63-3638(1) through (14), Idaho Code, in the fiscal year immediately following the fiscal year in which both of the following occur:

(i) State general fund revenue collections exceed two billion nine hundred nine million eight hundred forty-seven thousand seven hundred dollars (\$2,909,847,700); and

(ii) The state general fund appropriation for the educational support program as provided for in section 33-1002, Idaho Code, exceeds one billion four hundred eighteen million five hundred forty-two thousand seven hundred dollars (\$1,418,542,700); and

(d) All other moneys as may be provided by law.

(2) The highway distribution account shall be apportioned as follows:

(a) Thirty-eight percent (38%) to local units of government as provided in section 40-709, Idaho Code;

(b) Fifty-seven percent (57%) to the state highway account established in section 40-702, Idaho Code; and

(c) Five percent (5%) to the law enforcement ~~account~~ fund, established in section 67-2914, Idaho Code. The state controller shall cause the remittance of the moneys apportioned to local units of government not later than January 25, April 25, July 25 and October 25 of each year, and to the state highway account and the law enforcement ~~account~~ fund as the moneys become available to the highway distribution account.

1 (3) Interest earned on the investment of idle moneys in the highway dis-
2 tribution account shall be paid to the highway distribution account.

3 (4) All idle moneys in the dedicated highway trust or asset accounts or
4 subaccounts established from highway user revenues, reimbursements, fees or
5 permits shall be invested by the state treasurer in the same manner as pro-
6 vided under section 67-1210, Idaho Code, with respect to other surplus or
7 idle moneys in the state treasury. Interest earned on the investments shall
8 be returned to the various highway trust or asset accounts and subaccounts.

9 SECTION 2. That Section 63-3638, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 63-3638. SALES TAX -- DISTRIBUTION. All moneys collected under this
12 chapter, except as may otherwise be required in sections 63-3203 and
13 63-3709, Idaho Code, shall be distributed by the state tax commission as
14 follows:

15 (1) An amount of money shall be distributed to the state refund account
16 sufficient to pay current refund claims. All refunds authorized under this
17 chapter by the state tax commission shall be paid through the state refund
18 account, and those moneys are continuously appropriated.

19 (2) Five million dollars (\$5,000,000) per year is continuously appro-
20 priated and shall be distributed to the permanent building fund, provided by
21 section 57-1108, Idaho Code.

22 (3) Four million eight hundred thousand dollars (\$4,800,000) per year
23 is continuously appropriated and shall be distributed to the water pollution
24 control account established by section 39-3628, Idaho Code.

25 (4) An amount equal to the sum required to be certified by the chair-
26 man of the Idaho housing and finance association to the state tax commis-
27 sion pursuant to section 67-6211, Idaho Code, in each year is continuously
28 appropriated and shall be paid to any capital reserve fund, established by
29 the Idaho housing and finance association pursuant to section 67-6211, Idaho
30 Code. Such amounts, if any, as may be appropriated hereunder to the capital
31 reserve fund of the Idaho housing and finance association shall be repaid for
32 distribution under the provisions of this section, subject to the provisions
33 of section 67-6215, Idaho Code, by the Idaho housing and finance associa-
34 tion, as soon as possible, from any moneys available therefor and in excess
35 of the amounts which the association determines will keep it self-support-
36 ing.

37 (5) An amount equal to the sum required by the provisions of sections
38 63-709 and 63-717, Idaho Code, after allowance for the amount appropriated
39 by section 63-718(3), Idaho Code, is continuously appropriated and shall be
40 paid as provided by sections 63-709 and 63-717, Idaho Code.

41 (6) An amount required by the provisions of chapter 53, title 33, Idaho
42 Code.

43 (7) An amount required by the provisions of chapter 87, title 67, Idaho
44 Code.

45 (8) For fiscal year 2011, and each fiscal year thereafter, four million
46 one hundred thousand dollars (\$4,100,000), of which two million two hundred
47 thousand dollars (\$2,200,000) shall be distributed to each of the forty-four
48 (44) counties in equal amounts, and one million nine hundred thousand dol-
49 lars (\$1,900,000) of which shall be distributed to the forty-four (44) coun-

ties in the proportion that the population of the county bears to the population of the state. For fiscal year 2012, and for each fiscal year thereafter, the amount distributed pursuant to this subsection, shall be adjusted annually by the state tax commission in accordance with the consumer price index for all urban consumers (CPI-U) as published by the U.S. department of labor, bureau of labor statistics, but in no fiscal year shall the total amount allocated for counties under this subsection, be less than four million one hundred thousand dollars (\$4,100,000). Any increase resulting from the adjustment required in this section shall be distributed to each county in the proportion that the population of the county bears to the population of the state. Each county shall establish a special election fund to which shall be deposited all revenues received from the distribution pursuant to this subsection. All such revenues shall be used exclusively to defray the costs associated with conducting elections as required of county clerks by the provisions of section 34-1401, Idaho Code.

(9) One dollar (\$1.00) on each application for certificate of title or initial application for registration of a motor vehicle, snowmobile, all-terrain vehicle or other vehicle processed by the county assessor or the Idaho transportation department excepting those applications in which any sales or use taxes due have been previously collected by a retailer, shall be a fee for the services of the assessor of the county or the Idaho transportation department in collecting such taxes, and shall be paid into the current expense fund of the county or state highway account established in section 40-702, Idaho Code.

(10) Eleven and five-tenths percent (11.5%) is continuously appropriated and shall be distributed to the revenue sharing account which is created in the state treasury, and the moneys in the revenue sharing account will be paid in installments each calendar quarter by the state tax commission as follows:

(a) Twenty-eight and two-tenths percent (28.2%) shall be paid to the various cities as follows:

(i) Fifty percent (50%) of such amount shall be paid to the various cities, and each city shall be entitled to an amount in the proportion that the population of that city bears to the population of all cities within the state; and

(ii) Fifty percent (50%) of such amount shall be paid to the various cities, and each city shall be entitled to an amount in the proportion that the preceding year's market value for assessment purposes for that city bears to the preceding year's market value for assessment purposes for all cities within the state.

(b) Twenty-eight and two-tenths percent (28.2%) shall be paid to the various counties as follows:

(i) One million three hundred twenty thousand dollars (\$1,320,000) annually shall be distributed one forty-fourth (1/44) to each of the various counties; and

(ii) The balance of such amount shall be paid to the various counties, and each county shall be entitled to an amount in the proportion that the population of that county bears to the population of the state;

1 (c) Thirty-five and nine-tenths percent (35.9%) of the amount appro-
2 priated in this subsection shall be paid to the several counties for
3 distribution to the cities and counties as follows:

4 (i) Each city and county which received a payment under the provi-
5 sions of section 63-3638(e), Idaho Code, during the fourth quarter
6 of calendar year 1999, shall be entitled to a like amount during
7 succeeding calendar quarters.

8 (ii) If the dollar amount of money available under this subsection
9 (10) (c) in any quarter does not equal the amount paid in the fourth
10 quarter of calendar year 1999, each city's and county's payment
11 shall be reduced proportionately.

12 (iii) If the dollar amount of money available under this subsec-
13 tion (10) (c) in any quarter exceeds the amount paid in the fourth
14 quarter of calendar year 1999, each city and county shall be en-
15 titled to a proportionately increased payment, but such increase
16 shall not exceed one hundred five percent (105%) of the total pay-
17 ment made in the fourth quarter of calendar year 1999.

18 (iv) If the dollar amount of money available under this subsection
19 (10) (c) in any quarter exceeds one hundred five percent (105%) of
20 the total payment made in the fourth quarter of calendar year 1999,
21 any amount over and above such one hundred five percent (105%)
22 shall be paid fifty percent (50%) to the various cities in the pro-
23 portion that the population of the city bears to the population of
24 all cities within the state, and fifty percent (50%) to the various
25 counties in the proportion that the population of a county bears to
26 the population of the state; and

27 (d) Seven and seven-tenths percent (7.7%) of the amount appropriated in
28 this subsection shall be paid to the several counties for distribution
29 to special purpose taxing districts as follows:

30 (i) Each such district which received a payment under the provi-
31 sions of section 63-3638(e), Idaho Code, during the fourth quarter
32 of calendar year 1999, shall be entitled to a like amount during
33 succeeding calendar quarters.

34 (ii) If the dollar amount of money available under this subsec-
35 tion (10) (d) in any quarter does not equal the amount paid in the
36 fourth quarter of calendar year 1999, each special purpose taxing
37 district's payment shall be reduced proportionately.

38 (iii) If the dollar amount of money available under this subsec-
39 tion (10) (d) in any quarter exceeds the amount distributed under
40 paragraph (i) of this subsection (10) (d), each special purpose
41 taxing district shall be entitled to a share of the excess based on
42 the proportion each such district's current property tax budget
43 bears to the sum of the current property tax budgets of all such
44 districts in the state. The state tax commission shall calculate
45 district current property tax budgets to include any unrecovered
46 foregone amounts as determined under section 63-802(1) (e), Idaho
47 Code. When a special purpose taxing district is situated in more
48 than one (1) county, the state tax commission shall determine the
49 portion attributable to the special purpose taxing district from
50 each county in which it is situated.

(iv) If special purpose taxing districts are consolidated, the resulting district is entitled to a base amount equal to the sum of the base amounts which were received in the last calendar quarter by each district prior to the consolidation.

(v) If a special purpose taxing district is dissolved or disincorporated, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or disincorporation. The board of county commissioners shall determine any redistribution of moneys so received.

(vi) Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this subsection (10) (d).

(vii) For purposes of this subsection (10) (d), a special purpose taxing district is any taxing district which is not a city, a county or a school district.

(11) Amounts calculated in accordance with section 2, chapter 356, laws of 2001, for annual distribution to counties and other taxing districts beginning in October 2001 for replacement of property tax on farm machinery and equipment exempted pursuant to section 63-602EE, Idaho Code. For nonschool districts, the state tax commission shall distribute one-fourth (1/4) of this amount certified quarterly to each county. For school districts, the state tax commission shall distribute one-fourth (1/4) of the amount certified quarterly to each school district. For nonschool districts, the county auditor shall distribute to each district within thirty (30) calendar days from receipt of moneys from the state tax commission. Moneys received by each taxing district for replacement shall be utilized in the same manner and in the same proportions as revenues from property taxation. The moneys remitted to the county treasurer for replacement of property exempt from taxation pursuant to section 63-602EE, Idaho Code, may be considered by the counties and other taxing districts and budgeted at the same time, in the same manner and in the same year as revenues from taxation on personal property which these moneys replace. If taxing districts are consolidated, the resulting district is entitled to an amount equal to the sum of the amounts which were received in the last calendar quarter by each district pursuant to this subsection prior to the consolidation. If a taxing district is dissolved or disincorporated, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or disincorporation. The board of county commissioners shall determine any redistribution of moneys so received. If a taxing district annexes territory, the distribution of moneys received pursuant to this subsection shall be unaffected. Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this subsection. School districts shall receive an amount determined by multiplying the sum of the year 2000 school district levy minus .004 times the market value on December 31, 2000, in the district of the property exempt from taxation pursuant to section 63-602EE, Idaho Code, provided that the result of these calculations shall not be less than zero (0). The result of these school district calculations shall be further increased by six percent (6%). For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this section as property tax

1 replacement for property exempt from taxation pursuant to section 63-602EE,
2 Idaho Code, shall be treated as property tax revenues.

3 (12) Amounts necessary to pay refunds as provided in section 63-3641,
4 Idaho Code, to a developer of a retail complex shall be remitted to the demon-
5 stration pilot project fund created in section 63-3641, Idaho Code.

6 (13) Amounts calculated in accordance with subsection (4) of section
7 63-602KK, Idaho Code, for annual distribution to counties and other taxing
8 districts for replacement of property tax on personal property tax exemp-
9 tions pursuant to subsection (2) of section 63-602KK, Idaho Code, which
10 amounts are continuously appropriated unless the legislature enacts a dif-
11 ferent appropriation for a particular fiscal year. For purposes of the
12 limitation provided by section 63-802, Idaho Code, moneys received pursuant
13 to this section as property tax replacement for property exempt from taxa-
14 tion pursuant to section 63-602KK, Idaho Code, shall be treated as property
15 tax revenues.

16 (14) The amount of money distributed to the general fund in the first
17 fiscal year after fiscal year 2014, in which the conditions in subsection
18 (1)(c)(i) and (ii) of section 40-701, Idaho Code, are met, shall be dis-
19 tributed to the general fund.

20 (15) Amounts calculated in accordance with the provisions of section
21 40-701(1), Idaho Code, for distribution to the highway distribution ac-
22 count.

23 (16) Any moneys remaining over and above those necessary to meet and
24 reserve for payments under other subsections of this section shall be dis-
25 tributed to the general fund.